

ILLINOIS HAZARDOUS WASTE FACILITY SITING PROVISIONS

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Relevant Statutes and Regulations:

- G *State of Illinois, Environmental Protection Act, 415 ILCS 5/1 et seq.*, includes all amendments enacted prior to January 8, 1997.
- G State of Illinois Rules and Regulations, Title 35: Environmental Protection, Subtitle G: Waste Disposal, Chapter I: Pollution Control Board; March 1995.
- G <http://www.epa.state.il.us/regulations.html> is a site on regulations and compliance

Other Relevant State Resources:

- G The current state rules are also available on the Pollution Control Board's web page at <http://www.ipcb.state.il.us> under "Subtitle G."

State Environmental Web address

- G <http://www.epa.state.il.us/>

Affected Facilities:

- G The requirements for local siting approval affect the following types of hazardous waste management facilities ONLY IF the facility is NOT located within the corporate limits of a municipality with a population of over 1,000,000:

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- new pollution control facilities
- existing pollution control facility for which a development permit was issued before November 12, 1981, if an operating permit has not been issued by the Agency prior to August 31, 1989 for any portion of the facility (*(39.2(h))*).

According to the Illinois EPA, municipalities with a population of over 1,000,000 are exempt from local siting approval (Mary Riegel, 1997 (May 15), Personal Communication, Illinois EPA, 217-524-3300).

Definitions of Facility Types:

- G** A “new HWM facility” is defined as a “Hazardous Waste Management facility” that began operation or for which construction commenced after November 19, 1980 (702.110).
- G** A “facility” is defined as any “HWM facility”, UIC “injection well”, or any other facility or activity (including land or appurtenances thereto) that is subject to regulations under the Illinois RCRA or UIC program (702.110).
- G** A “pollution control facility” is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This does not include:
- C** waste storage sites regulated under 40 CFR, Part 761.42;
 - C** sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person’s own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;
 - C** sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3;
 - C** abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;
 - C** sites or facilities used by any person to specifically conduct a landscape composting operation;
 - C** regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;
 - C** the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21;
 - C** the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;
 - C** the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in paragraph (5) of subsection (a) of Section 22.18b are exempt under this subdivision (10);
 - C** the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;

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- C the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the Federal CERCLA (1980), RCRA (1976), or the Illinois Environmental Protection Act or as authorized by the Agency. (*[3.32(a)]*)
- G A “new pollution control facility” is a pollution control facility initially permitted for development or construction after July 1, 1981; or the area of expansion beyond the boundary of a currently permitted pollution control facility; or a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste. (*[3.32(b)]*)

Other Information:

- G At *[39.2(i)]* the State regulations refer to a study made by the Department of Natural Resources. This study was to include a determination of the geologic and hydrologic conditions in the State most suitable for the siting of hazardous waste facilities, the establishment of a data base on such conditions in Illinois, and recommendations for the establishment of technical guidelines and criteria to be used in making such siting decisions. The Department was to report this study and recommendations to the General Assembly, the Governor, the Board and the public no later than October 1, 1984. In discussing this with Ed Bakowski of the Illinois EPA (5/13/97), it was learned that this department no longer exists in the same form as it did before October 1, 1984. It has since been divided into three agencies. This report may be used by the county board or governing body of the municipality when deciding on siting permits, but it is not required to be used. (Ed Bakowski, 1997 (May 13), Personal Communication, Illinois EPA, 217-524-3300)
- G Note: There was a change to the governmental structure in Illinois on July 1, 1995 that affects the reference to the “Department” in the Illinois Environmental Protection Act. “Department”, when a particular entity is not specified, means
- in the case of a function to be performed on or after July 1, 1995, either the Department of Natural Resources or the Department of Commerce and Community Affairs, whichever in specified context, is the successor to the Department of Energy and Natural Resources under the Department of Natural Resources Act; or
 - in the case of a function performed before July 1, 1995, the former Illinois Department of Energy and Natural Resources.

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ADMINISTRATION			
STATE ADMINISTERING AGENCY			
Illinois Environmental Protection Agency	PA	<i>[4(a)]</i> <i>[4(i)]</i> <i>[4(l)]</i> <i>[4(m)]</i> 705.101; <i>[39(d)]</i>	<p>C The Environmental Protection Agency is an Agency within the Executive Branch of the State Government. It is under the supervision and direction of a Director who is appointed by the Governor with the advice and consent of the Senate.</p> <p>C The term of office of the Director expires on the third Monday of January in odd numbered years, provided that he shall hold his office until his successor is appointed and qualified.</p> <p>C The Agency is designated as the state agency for the Federal Water Pollution Control Act, Safe Drinking Water Act, Clean Air Act, RCRA, Noise Control Act, CERCLA, Pollution Control and EPCRA.</p> <p>C Among the duties and responsibilities of the Agency are:</p> <ul style="list-style-type: none"> - authority to make recommendations to the Pollution Control Board for the adoption of regulations; - authority to engage in planning processes and activities and develop plans in cooperation with units of local government, state agencies and officers and other appropriate persons; - responsible for permit review and issuance. Process is very similar to the Federal.

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Pollution Control Board	PPA	<i>[5]</i> <i>[39.2(i)]</i>	<p>C The Pollution Control Board (Board) is an independent board consisting of seven technically qualified members, no more than four of whom may be of the same political party, to be appointed by the Governor with the advice and consent of the Senate.</p> <p>C The Board shall determine, define and implement the environmental control standards applicable in the State of Illinois and may adopt rules and regulations in accordance with Title VII of this Act.</p> <p>C The Board shall have authority to:</p> <ul style="list-style-type: none"> - act for the State in regard to the adoption of standards for submission to the United States under any federal law respecting environmental protection; and - to conduct hearings upon complaints charging violations of this Act or of regulations thereunder and such other hearings as may be provided by rule. <p>C The Pollution Control Board shall adopt regulations establishing the geologic and hydrologic siting criteria necessary to protect usable groundwater resources which are to be followed by the Agency in its review of permit applications for new pollution control facilities. Such regulations shall be at least as stringent as the RCRA requirements.</p>

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Topic	Stage ¹	State citation ²	Provision
Board review of appeals	PPA	[40.1(a)]	<p>C If the county board or the governing body of the municipality refuses to grant approval under Section 39.2 of this Act, the applicant may, within 35 days, petition for a hearing before the Board to contest the decision of the county board or the governing body of the municipality. The Board shall publish a 21 day notice of the hearing on the appeal in a newspaper of general circulation published in that county.</p> <p>C The county board or governing body of the municipality shall appear as respondent in such hearing, and such hearing shall be based exclusively on the record before the county board or the governing body of the municipality.</p> <p>C At such hearing the rules prescribed in Sections 32 and 33(a) of this Act shall apply, and the burden of proof shall be on the petitioner; however, no new or additional evidence in support of or in opposition to any finding, order, determination or decision of the appropriate county board or governing body of the municipality shall be heard by the Board.</p> <p>C The Board shall include in its consideration the written decision and reasons for the decision of the county board or the governing body of the municipality, the transcribed record of the hearing held pursuant to subsection (d) of Section 39.2, and the fundamental fairness of the procedures used by the county board or the governing body of the municipality in reaching its decision.</p> <p>C The Board shall transmit a copy of its decision to the office of the county board or governing body of the municipality where it shall be available for public inspection and copied upon payment of the actual cost of reproduction.</p> <p>C If there is no final action by the Board within 120 days, the petitioner may deem the site location approved; provided that the Board has the required quorum. However, the 120 days will not be extended beyond 30 days regardless of whether the quorum exists at the beginning of the 120 days period or occurs during the 120</p>

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Petitioner to pay cost of preparing and certifying the record of proceedings	PPA	<i>[39.2(n)]</i> <i>[40.1(c)]</i>	<p>Ⓒ In any review proceeding of a decision of the county board or governing body of a municipality made pursuant to the local siting review process, the petitioner in the review proceeding shall pay to the county or municipality the cost of preparing and certifying the record of proceedings.</p> <p>Ⓒ Should the petitioner in the review proceeding fail to make payment, the provisions of Section 3-109 of the Code of Civil Procedure shall apply.</p>
Hazardous Waste Advisory Council	PPA PA	<i>[5.1(a)]</i> <i>[5.1(c)]</i>	<p>Ⓒ The Hazardous Waste Advisory Council consists of 14 members, including</p> <ul style="list-style-type: none"> - the directors of the Environmental Protection Agency and the Department of Natural Resources, - the Chairman of the Pollution Control Board, - the Attorney General, - the President of the Senate, - the Speaker of the House, - the minority leaders of the House and Senate or their designees, and - 6 members appointed by the Governor. <p>Ⓒ Members appointed to the Council are to be broadly representative of the following interests: commerce, manufacturing, local government, environmental protection, agriculture, colleges and universities and the general public. The members must be knowledgeable concerning the nature of problems of hazardous waste management.</p> <p>Ⓒ The Council's main responsibility relative to siting is to review the implementation of the procedures for the siting of new pollution control facilities pursuant to Sections 39 (permitting) and 39.2 (siting).</p>

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Department of Natural Resources	PPA	<i>[39.2(i)]</i>	<p>C The Department shall prepare a study of technical considerations relating to the siting of new pollution control facilities. Such study shall include, but need not be limited to, a determination of the geologic and hydrologic conditions in the State most suitable for the siting of such facilities, the establishment of a data base on such conditions in Illinois, and recommendations for the establishment of technical guidelines and criteria to be used in making such siting decisions.</p> <p>C The Department shall report such study and recommendations to the General Assembly, the Governor, the Board and the public no later than October 1, 1984.</p>
THE INTERAGENCY COORDINATING COUNCIL			
Not applicable.			
INDEPENDENT SITING BOARD			
Not applicable.			

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LOCAL COMMUNITY NEEDS AND INVOLVEMENT			
LOCAL REVIEW/INVOLVEMENT			
Applicability of local siting approval requirements	PPA	[39.2(h)]	The requirements for local siting approval as outlined in Section 39.2 do not apply to any new or existing pollution control facility located within the corporate limits of a municipality with a population of over 1,000,000.
No permit without approval by county board or governing body of the municipality	PPA	[39(c)]	<p>C Unless the applicant has submitted proof that the location of the pollution control facility has been approved by the (a) the county board of the county, if in an unincorporated area, or (b) the governing body of the municipality when in an incorporated area in which the facility is to be located in accordance with Section 39.2:</p> <ul style="list-style-type: none"> - No permit for the development or construction of a new pollution control facility may be granted by the Agency - In the case of a pollution control facility for which a development permit was issued before November 12, 1981, if an operating permit has not been issued by the Agency prior to August 31, 1989 for any portion of the facility, then the Agency may not issue an original operating permit for any portion of such facility.
Local siting approval required after final decision of appeal of permit denial	PPA	[39.2(j)]	Any new pollution control facility which has never obtained local siting approval under the provisions of Section 39.2 shall be required to obtain such approval after a final decision on an appeal of a permit denial.

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Local siting approval for certain facilities located adjacent to a municipality having a population of less than 5,000	PPA	[39(c)]	<p>C Beginning August 20, 1993 and ending January 1, 1997, if the pollution control facility consists of a hazardous or solid waste disposal facility for which the proposed site is located in an unincorporated area of a county with a population of less than 100,000 and includes all or a portion of a parcel of land that was, on April 1, 1993, adjacent to a municipality having a population of less than 5,000, then,</p> <ul style="list-style-type: none"> - the local siting review required under subsection (c) in conjunction with any permit applied for after that date shall be performed by the governing body of that adjacent municipality rather than the county board of the county in which the proposed site is located; and - for the purposes of that local siting review, any references in this Act to the county board shall be deemed to mean the governing body of that adjacent municipality.
Approval by county board or governing body of the municipality required	PPA	[39.2(a)]	The county board or the governing body of the municipality shall approve or disapprove the request for local siting approval for each pollution control facility which is subject to such review.

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Criteria for siting approval by county board or governing body of the municipality	PPA	[39.2(a)]	<p>C An applicant for local siting approval shall submit sufficient details describing the proposed facility to demonstrate compliance, and local siting approval shall be granted only if the proposed facility meets the following criteria:</p> <ul style="list-style-type: none"> - facility is necessary to accommodate waste needs of area it is intended to serve; - facility is designed, located and proposed to be operated so that the public health, safety and welfare will be protected; - facility is located to minimize incompatibility with character of surrounding area and to minimize effect on value of surrounding property; - located outside 100 year flood plain or the site is flood-proofed; - plan of operations for facility minimizes danger to surrounding area from fire, spills, or other operational accidents; - traffic patterns to or from facility are designed to minimize impact on existing traffic flows; - emergency response plan exists for facility which includes notification, containment and evacuation procedures to be used in case of accidental release; - if facility is located in a county where the county board has adopted a solid waste management plan, the facility is consistent with the plan; and - if facility will be located within regulated recharge area, any applicable requirements specified by the Board for such areas have been met. <p>C The county board or the governing body of the municipality may also consider as evidence the previous operating experience and past record of convictions or admissions of violations of the applicant (and any subsidiary or parent corporation) in the field of solid waste management when considering criteria (ii) and (v) under this Section.</p>

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Filing of siting request with county board or governing body of the municipality	PPA	<i>[39.2(c)]</i>	<p>An applicant shall file a copy of its request, with the county board of the county or the governing body of the municipality in which the proposed site is located. The request shall include:</p> <ul style="list-style-type: none"> (1) the substance of the applicant's proposal, and (2) all documents, if any, submitted as of that date to the Agency pertaining to the proposed facility, except trade secrets as determined under Section 7.1 of this Act.

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Decisions of county board or governing body of the municipality	PPA	[39.2(e)]	<p>C Decisions of the county board or governing body of the municipality are to be in writing, specifying the reasons for the decision, such reasons to be in conformance with subsection (a) of the Section.</p> <p>C In granting approval for a site the county board or governing body of the municipality may impose such conditions as may be reasonable and necessary to accomplish the purposes of the Section and as are not inconsistent with regulations promulgated by the Board.</p> <p>C Such decision shall be available for public inspection at the office of the county board or governing body of the municipality.</p> <p>C If there is no final action by the county board or governing body of the municipality within 180 days after the filing of the request for site approval the applicant may deem the request approved.</p> <p>C At any time prior to completion by the applicant of the presentation of the applicant's factual evidence and an opportunity for cross-questioning by the county board or governing body of the municipality and any participants, the applicant may file not more than one amended application upon payment of additional fees pursuant to subsection (k); in which case the time limitation for final action set forth in this subsection (e) shall be extended for an additional period of 90 days.</p>
Duration of local siting approval granted by county board or governing body of the municipality	PPA	[39.2(f)]	<p>For hazardous waste management facilities,</p> <p>C a local siting approval granted under Section 39.2 shall expire at the end of 2 calendar years from the date upon which it was granted, unless within that period the applicant has made application to the Agency for a permit to develop the site.</p> <p>C In the event that the local siting decision has been appealed, such expiration period shall be deemed to begin on the date upon which the appeal process is concluded.</p>

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Exclusivity of local siting approval, procedures, criteria and appeal procedures	PPA	<i>[39.2(g)]</i>	The siting approval, procedures, criteria and appeal procedures for new pollution control facilities shall be the exclusive siting procedures and rules and appeal procedures for facilities subject to such procedures. Local zoning or other local land use requirements shall not be applicable to such siting decisions.
Fees for siting review process	PPA	<i>[39.2(k)]</i>	A county board or governing body of a municipality may charge applicants for siting review under Section 39.2 a reasonable fee to cover the reasonable and necessary costs incurred by such county or municipality in the siting review process.
Subsequent request for local siting approval after previous request denied	PPA	<i>[39.2(m)]</i>	An applicant may not file a request for local siting approval which is substantially the same as a request which was disapproved pursuant to a finding against the applicant under any of criteria (i) through (ix) of subsection (a) of this Section within the preceding 2 years.
Applicant may appeal	PPA	<i>[40.1(a)]</i>	If the county board or the governing body of the municipality refuses to grant approval under Section 39.2 of this Act, the applicant may, within 35 days, petition for a hearing before the Board to contest the decision of the county board or the governing body of the municipality. (See Pollution Control Board)

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OTHER AGENCY OR GOVERNMENTAL ENTITY INVOLVEMENT			
Department of Transportation	PPA	<i>[39.2(l)]</i>	The governing Authority as determined by subsection (c) of Section 39 of this Act may request the Department of Transportation to perform traffic impact studies of proposed or potential locations for required pollution control facilities.
COMPATIBILITY OF FACILITY SITE WITH LOCAL SOLID WASTE MANAGEMENT PLANS			
Consistency with local solid waste management plan	PPA	<i>[39.2(a)(viii)]</i>	If the facility is to be located in a county where the county board has adopted a solid waste management plan consistent with the planning requirement of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act, the facility must be consistent with that plan.
IMPACT OF FACILITY ON LOCAL LAND USE			
Compatibility with character of surrounding area	PPA	<i>[39.2(a)(iii)]</i>	The facility must be located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property.

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PUBLIC PARTICIPATION			
<p>The federal regulations regarding the public participation process for the permitting of hazardous waste (RCRA) facilities can be viewed at http://earth1.epa.gov/epacfr40/chapt-I.info/subch-D/40P0124.pdf within the Part 124 Procedures for Decisionmaking. (State regulations cannot be less stringent than the federal counterparts.)</p>			
NOTIFICATION			
Notice of request for location approval by applicant	PPA	<i>[39.2(b)]</i>	<p>Ⓒ No later than 14 days prior to a request for location approval the applicant shall cause written notice of such request to be served either in person or by registered mail, return receipt requested, on:</p> <ul style="list-style-type: none"> - the owners of all property within the subject area not solely owned by the applicant; - the owners of all property within 250 feet in each direction of the lot line of the subject property, said owners being such persons or entities which appear from the authentic tax records of the county in which such facility is to be located; provided, that the number of all feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement; provided further, that in no event shall this requirement exceed 400 feet, including public streets, alleys and other public ways; and - members of the General Assembly from the legislative district in which the proposed facility is located. <p>Ⓒ In addition, the notice shall be published in a newspaper of general circulation in the county in which the site is located.</p>

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Notice of request for location approval by applicant (Continued)			<p>Such notice shall state:</p> <ul style="list-style-type: none"> - the name and address of the applicant, - the location of the proposed site, - the nature and size of the development, - the nature of the activity proposed, - the probable life of the proposed activity, - the date when the request for site approval will be submitted, and - a description of the right of persons to comment on such request as hereafter provided.
Notice of public hearing about siting request by local agency	PPA	[39.2(d)]	<p>Public hearing by the county board or governing body of the municipality regarding a local siting request shall be preceded by:</p> <p>Such published notice in a newspaper of general circulation published in the county of the proposed site, and</p> <p>Such notice by certified mail to</p> <ul style="list-style-type: none"> - all members of the General Assembly from the district in which the proposed site is located, - the governing authority of every municipality contiguous to the proposed site or contiguous to the municipality in which the proposed site is to be located, and - to the Agency.
When public notice must be given by the Agency (permit applications)	PA	705.161	<p>As part of the permit application review process, the Agency shall give public notice whenever any of the following have occurred:</p> <p>Such a permit application has been tentatively denied under Section 705.141(b);</p> <p>Such a draft permit has been prepared under Section 705.141(c); and</p> <p>Such a hearing has been scheduled under Section 705.182.</p> <p>(Process is very similar to Federal code's 40 CFR 124.10(a)(1)(i)-(iii).)</p>

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Timing of public notices by Agency (draft permits and hearings)	PA	705.162	<p>Ⓒ Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) shall allow at least 30 days for public comment for UIC permits and at least 45 days for public comment for RCRA permits.</p> <p>Ⓒ Public notice of a public hearing shall be given at least 30 days before the UIC permit hearing and at least 45 days before the RCRA permit hearing.</p> <p>Ⓒ Public notice of a hearing may be given at the same time as public notice of the draft permit, and the two notices may be combined.</p> <p>(Process is very similar to Federal code's 40 CFR 124.10(b).)</p>
Methods and content of public notice by Agency (permit applications; public hearings)	PA	705.163 705.164	<p>Ⓒ Public notice shall be given by mailing a copy of a notice to the applicant, and other required agencies.</p> <p>Ⓒ The notice shall also be published in a daily or weekly newspaper of general circulation within the affected area. The notice must include name and address of the Agency, the permittee, and a contact person, in addition to information about the facility.</p> <p>Ⓒ The public notice must include:</p> <ul style="list-style-type: none"> - the date of previous public notices relating to the permit; - the date, time, and place of the hearing; and - a brief description of the nature and purpose of the hearing, including the applicable rules and procedures. <p>(Process is very similar to Federal code's 40 CFR 124.10(c)&(d).)</p>
PUBLIC MEETING			
No provisions found.			

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Topic	Stage ¹	State citation ²	Provision
PUBLIC HEARINGS			
Public hearing on local siting request	PPA	<i>[39.2(d)]</i>	<p>Ⓒ At least one public hearing is to be held by the county board or governing body of the municipality no sooner than 90 days but no later than 120 days from receipt of the request for site approval.</p> <p>Ⓒ The public hearing shall develop a record sufficient to form the basis of appeal of the decision in accordance with Section 40.1 of this Act.</p> <p>Ⓒ The fact that a member of the county board or governing body of the municipality has publicly expressed an opinion on an issue related to a site review proceeding shall not preclude the member from taking part in the proceeding and voting on the issue.</p>
Public hearings and comment relative to permit applications	PA	705.181-705.184	Public hearing process for permit applications is very similar to the Federal code's 40 CFR 124.11, 124.12, 124.13 and 124.14.

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Illinois Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
THIRD PARTY APPEAL			
Third party appeal	PPA PA	[40.1(b)]	<p>Ⓒ If the county board or the governing body of the municipality grants approval, a third party other than the applicant who participated in the public hearing conducted by the county board or governing body of the municipality may petition the Board within 35 days for a hearing to contest the approval of the county board or the governing body of the municipality.</p> <p>Ⓒ Unless the Board determines that such petition is duplicitous or frivolous, or that the petitioner is so located as to not be affected by the proposed facility, the Board shall hear the petition in accordance with the terms of 40.1(a) and its procedural rules governing denial appeals, such hearing to be based exclusively on the record before the county board or the governing body of the municipality.</p> <p>Ⓒ The burden of proof shall be on the petitioner. The county board or the governing body of the municipality and the applicant shall be named as co-respondents.</p> <p>Ⓒ The Board shall transmit a copy of its decision to the office of the county board or governing body of the municipality where it shall be available for public inspection and may be copied upon payment of the actual cost of reproduction.</p>
Appeal by citizen groups	PPA	[40.1(c)] [39.2(n)]	<p>Ⓒ Any person who files a petition to contest a decision of the county board or governing body of the municipality shall pay a filing fee.</p> <p>Ⓒ In the event the petitioner is a citizens' group that participated in the siting proceeding and is so located as to be affected by the proposed facility, such petitioner shall be exempt from paying the costs of preparing and certifying the record.</p>

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Illinois Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
ADJUDICATORY HEARINGS			
Petition for review	PPA	[29]	<p>Ⓒ Any person adversely affected or threatened by any rule or regulation of the Board may obtain a determination of the validity or application of such rule or regulation by petition for review under Section 41 of this Act.</p> <p>Ⓒ Action by the Board in adopting any regulation for which judicial review could have been obtained under Section 41 of this Act shall not be subject to review regarding the regulation's validity or application in any subsequent proceeding under Section 40 of this Act.</p>
Judicial review of appeal decision	PPA	<p>[41(a)]</p> <p>[41(b)]</p>	<p>Ⓒ Relative to siting, any party to a Board hearing, any person who filed a complaint on which a hearing was denied, and any party adversely affected by a final order or determination of the Board may obtain judicial review, by filing a petition for review within 35 days from the date that a copy of the order or other final action sought to be reviewed was served upon the party affected by the order or other final Board action complained of, under the provisions of the Administrative Review Law, as amended and the rules adopted pursuant thereto, except that review shall be afforded directly in the Appellate Court for the District in which the cause of action arose and not in the Circuit Court. Review of any rule or regulation promulgated by the Board shall not be limited by this section but may also be had as provided in Section 29 of this Act.</p> <p>Ⓒ Any final order of the Board under this Act shall be based solely on the evidence in the record of the particular proceeding involved, and any such final order for permit appeals, enforcement actions and variance proceedings, shall be invalid if it is against the manifest weight of the evidence.</p>

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Illinois Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Judicial review of appeal decision (Continued)		<i>[41(c)]</i> <i>[41(d)]</i>	<p>Ⓒ No challenge to the validity of a Board order shall be made in any enforcement proceeding under Title XII of this Act as to any issue that could have been raised in a timely petition for review under this Section.</p> <p>Ⓒ If a hearing is required under this Act and was not held by the Board, the Appellate Court shall order the Board to conduct such a hearing, and to make a decision within 90 days from the date of the order. If a hearing was held by the Board, or if a hearing is not required under this Act and was not held by the Board, the Appellate Court shall order the Board to make a decision within 90 days from the date of the order.</p> <p>Ⓒ The Appellate Court shall retain jurisdiction during the pendency of any further action conducted by the Board under an order by the Appellate Court. The Appellate Court shall have jurisdiction to review all issues of law and fact presented upon appeal.</p>
OTHER PUBLIC PARTICIPATION REQUIREMENTS			
Public comment on local siting requests	PPA	<i>[39.2(c)]</i>	<p>Ⓒ Any person may file written comment with the county board or governing body of the municipality concerning the appropriateness of the proposed site for its intended purpose.</p> <p>Ⓒ The county board or governing body of the municipality shall consider any comment received or postmarked not later than 30 days after the date of the last public hearing.</p>
Availability of information submitted as part of local siting request	PPA	<i>[39.2(c)]</i>	All such documents (i.e., filed by the applicant) or other materials on file with the county board or governing body of the municipality shall be made available for public inspection at the office of the county board or the governing body of the municipality and may be copied upon payment of the actual cost of reproduction.
Availability of information regarding decision of county board or governing body of municipality	PPA	<i>[39.2(e)]</i>	Decisions of the county board or governing body of the municipality regarding siting requests shall be available for public inspection at the office of the county board or governing body of the municipality.

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Illinois Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Availability of information regarding decision of Pollution Control Board	PPA	<i>[40.1(a)]</i>	The Board shall transmit a copy of its decision to the office of the county board or governing body of the municipality where it shall be available for public inspection and copied upon payment of the actual cost of reproduction.

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Illinois Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
SITING RESTRICTIONS AND PROHIBITIONS			
Federal siting restrictions and prohibitions can be viewed at http://www.epa.gov/epacfr40/chapt-I.info/subch-I/ by selecting “Part 264 (Updated 1997) - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities”. The regulatory requirements are in Location Standards at 264.18 in the document. (State regulations cannot be less stringent than the federal counterparts.)			
SOIL AND WATER			
Public water supply	PPA PA	<i>[21(l)]</i>	In counties of population less than 225,000, no hazardous waste disposal site shall be located within 1000 feet of an existing private well or the existing source of a public water supply measured from the boundary of the actual active permitted site and excluding existing private wells on the property of the permit applicant.
SEISMIC CONSIDERATIONS			
Active seismic fault restriction	PA	724.118(a)	The new facility must not be located within 61 meters of a fault which has had displacement in Holocene time. (This requirement is the same as the Federal requirement at 40 CFR 264.18(a)(1).)
	PPA PA	<i>[21(l)]</i>	A hazardous waste disposal facility shall not be located within 2 miles of an active fault in the earth’s crust.

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Illinois Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
FLOODING AND EROSION			
Flood hazard area siting restriction	PA	724.118(b)	A facility located in a 100-year floodplain must be designed , constructed, operated and maintained to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can demonstrate that: (1) hazardous waste could be removed to a safe site before flood waters reached it, or (2) no adverse effects to human health or the environment would result if washout occurred.
	PPA	[39.2(a)(iv)]	As part of the local siting approval process, the applicant must provide information to assess if the facility is located outside 100-year flood plain or the site is flood-proofed.
AIR			
No provisions found.			
DISTANCE LIMITATIONS/BUFFER ZONES			
Placement near fault restricted	PA	724.118.a	The new facility must not be located within 61 meters of a fault which has had displacement in Holocene time. (This requirement is the same as the Federal requirement at 40 CFR 264.18(a)(1).)
Setback zone	PA	[39(l)]	No permit shall be issued by the Agency for construction or operation of any facility or site located within the boundaries of any setback zone established pursuant to this Act, where such construction or operation is prohibited.
Danger to surrounding area	PPA	[39.2(a)(v)]	The plan of operations for the facility must be designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents .
Municipalities	PPA	[21(l)]	In counties of population less than 225,000 no hazardous waste disposal site shall be located within 1 ½ miles of the corporate limits as defined on June 30, 1978, of any municipality without the approval of the governing body of the municipality in an official action.

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Illinois Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
OTHER HUMAN HEALTH CONSIDERATIONS			
Location of a facility related to human health	PA	<i>[39(g)]</i>	<p>Ⓒ The Agency shall include conditions upon all permits issued for hazardous waste disposal site such restrictions upon the future use of such sites as are reasonably necessary to protect public health and the environment, including permanent prohibition of the use of such sites for purposes which may create an unreasonable risk of injury to human health or to the environment.</p> <p>Ⓒ After administrative and judicial challenges to such restrictions have been exhausted, the Agency shall file such restrictions of record in the Office of the Recorder of the county in which the hazardous waste disposal site is located.</p>
	PPA	<i>[39.2(a)(ii)]</i>	The facility must be so designed, located and proposed to be operated so that the public health, safety and welfare will be protected.
ENVIRONMENTALLY SENSITIVE AREAS			
Endangered Species			
No provisions found.			
Critical Habitats			
No provisions found.			
Wetlands			
No provisions found.			
Wild, Scenic or Recreational Areas			
No provisions found.			

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Illinois Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Approved Farmland Preservation Areas			
No provisions found.			
Other			
Salt dome formations, salt bed formations, underground mines and cave.	PA	724.118(c)	The placement of any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground cave or mine is prohibited .
	PPA PA	<i>[21(l)]</i>	A hazardous waste disposal site shall not be located above an active or inactive shaft or tunneled mine .
OTHER RESTRICTIONS			
No provisions found.			

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Illinois Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
ENVIRONMENTAL JUSTICE CONSIDERATIONS			
No provisions found.			
ECONOMIC CRITERIA			
Character and value of surrounding area	PA	[39.2(a)(iii)]	The facility must be located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property.

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Illinois Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
OTHER CRITERIA			
Incineration of hazardous waste	PA	<i>[39(o)]</i>	<p>Ⓒ From September 4, 1990 until December 31, 1993, no permit shall be issued by the Agency for the development or construction of any new facility intended to be used for the incineration of any hazardous waste.</p> <p>Ⓒ The provision shall not apply to facilities intended for use for combustion of potentially infectious medical waste, for use as part of a State or federally designated clean-up action, or for use solely for the conduct of research and the development and demonstration of technologies for the incineration of hazardous waste.</p>
Traffic impact	PPA PA	<i>[39.2(l)]</i>	The governing Authority as determined by subsection (c) of Section 39 of this Act may request the Department of Transportation to perform traffic impact studies of proposed or potential locations for required pollution control facilities.
	PPA PA	<i>[39.2(a)(vi)]</i>	The traffic patterns to or from the facility must be designed to minimize the impact on existing traffic flows .

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